

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LOWANA SHANELL DUMAS,

Plaintiff,

v.

Case No. 10-12661

HURLEY MEDICAL CENTER, et al.,

Defendants.

**OPINION AND ORDER DIRECTING DEFENDANT CITY OF FLINT
TO FILE A SUPPLEMENT TO ITS MOTION TO DISMISS,
DENYING PLAINTIFF'S MOTION TO STRIKE, SETTING DEADLINES,
AND TERMINATING PLAINTIFF'S MOTION TO EXTEND TIME AS MOOT**

On May 5, 2011, Plaintiff Lowana Shanell Dumas filed a second amended complaint against Defendant City of Flint, Defendants AFSCME Council 25, AFSCME Local 1603, Deloris Lots, and Patricia Ramirez (collectively "AFSCME"), and Defendant Hurley Medical Center, together with individual employees (collectively "Hurley"). Thereafter, Flint filed a motion to dismiss on May 10, 2011, as did Hurley on May 13, 2011. Plaintiff filed an ex parte motion to strike Flint's motion to dismiss, asserting that it failed to seek concurrence as required by Local Rule 7.1. E.D. Mich. LR 7.1(a). Upon review of the motion to dismiss, the court cannot discern whether concurrence was sought. Therefore, it will order Flint to file a supplement to its motion to dismiss by May 27, 2011, indicating, in detail, how concurrence was sought. If Flint did not seek concurrence prior to filing its motion to dismiss as required by Local Rule 7.1, it will be directed to seek concurrence prior to filing the supplement. The foregoing renders moot

Plaintiff's motion to strike Flint's motion to dismiss, inasmuch as the court will direct Flint to comply with Local Rule 7.1.

The court will further order a joint response to the motions to dismiss filed by Flint and Hurley and set a briefing schedule. Plaintiff will be directed to file a joint response by June 20, 2011, and Defendants Hurley and Flint will be directed to file any replies by July 8, 2011. Therefore, Plaintiff's motion to extend time to respond until June 20, 2011, is also moot. Accordingly,

IT IS ORDERED that Defendant City of Flint is DIRECTED to file a supplement to its motion to dismiss [Dkt. # 50] by **May 27, 2011**, indicating with appropriate detail how concurrence was sought as required by Local Rule 7.1(a). If concurrence was not sought prior to filing its motion to dismiss, Defendant City of Flint is FURTHER DIRECTED to seek concurrence prior to filing the supplement to its motion.

IT IS FURTHER ORDERED that Plaintiff's motion to strike Defendant City of Flint's motion to dismiss [Dkt. # 51] is DENIED AS MOOT.

IT IS FURTHER ORDERED that Plaintiff file a joint response to the motions to dismiss [Dkt. ## 50 & 52] on or before **June 20, 2011**. Any reply by Defendant City of Flint or the Hurley Defendants shall be filed on or before **July 8, 2011**.

Finally, IT IS ORDERED that Plaintiff's motion to extend time [Dkt. # 54] is TERMINATED AS MOOT.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 18, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 18, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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